

Guidance Document: Reporting Requirements for Pesticide Dealers and Distributors in Maine

The Maine Board of Pesticides Control (BPC) has the power to establish standards for issuing licenses or renewals to pesticide dealers under Title 22 § 1471-M. Reporting and recordkeeping by dealers is required under Title 22§1471-G. General pesticide dealer license requirements are listed under Title 22 § 1471-W. Restricted use pesticide dealer license requirements are listed in rule, CMR01-026 Chapter 50. This document is intended to outline requirements for all pesticide dealers in Maine.

Definitions

Title 7 § 604

"Pesticide" means:

A. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests; [PL 2021, c. 673, §2 (NEW).]

B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and [PL 2021, c. 673, §2 (NEW).]

C. Any substance or mixture of substances intended to be used as a spray adjuvant. [PL 2021, c. 673, §2 (NEW).]*

"Pesticide" includes a highly toxic pesticide.

"Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier or similar agent that is intended to be used with any other pesticide as an aid to the application or the effect of it and that is in a package or container separate from that of the other pesticide.

*As of 2021, spray adjuvants are now considered pesticides and must be reported when completing pesticide reporting requirements for all dealers and applicators.

Title 22 § 1471-C

"Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this State.

"General use pesticide dealer" means any person who distributes general use pesticides.

"General use pesticide" means any pesticide that is required to be registered by the board pursuant to [Title 7, chapter 103, subchapter 2-A](#) and that is not a restricted use or limited use pesticide, as defined in this section. Pesticides restricted or limited by the board are listed by the board

"Pesticide dealer" means any person who distributes limited or restricted use pesticides.

CMR 01-026 Chapter 10. Definitions

NN. "Pesticide dealer" means any person who distributes limited or restricted-use pesticides, including but not limited to sales personnel in an outlet, field salesmen, and

manufacturers' representatives selling pesticides directly to the consumer or who accept orders for pesticides.

OO. "Pesticide distributor" means any person required to be licensed to distribute general, restricted or limited use pesticides

Q. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this state. This also means giving free samples of unregistered products to any person. Sales of hardware, such as doorknobs and pushplates, shall not be considered distribution for the purposes of this definition.

License Type: General Use

Wholesalers/Manufacturers/Sub-Contractors

Any entity outside or inside of Maine that intends to sell a product within Maine is considered a distributor. Distributors must hold a general-use pesticide license to sell general-use pesticides and report purchases from manufacturers and/or sub-contractors who distribute and wholesalers that pesticides are sold to. These requirements are outlined in Title 22 §1471-W.

Retailers

Retailers are not defined in statute or rule, but if they sell general-use pesticides, they are considered a general-use pesticide dealer under Title 22 § 1471-C and must have a license. Retailers (including large box stores) are not required to submit sales reports, only reports of where pesticides are purchased from. These requirements are outlined in Title 22 §1471-W, as are the exemptions.

§1471-W. General use pesticide dealers

1. License required. Unless exempted under [subsection 5](#), no person may distribute general use pesticides without a license.

[PL 1989, c. 93, §2 (NEW).]

2. Issuance of license. The Board of Pesticides Control shall issue a license to distribute general use pesticides to any person upon payment of a fee of \$20 for a calendar year or any part of a calendar year. The Board of Pesticide Control may issue a license for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee. Any person licensed to distribute restricted use pesticides is considered licensed to distribute general use pesticides without any additional fee. All fees collected under this section are deposited in the Board of Pesticides Control Special Fund.

[PL 1997, c. 454, §9 (AMD).]

3. Records; reporting. Any person who distributes general use pesticides to licensed general use pesticide dealers in the State shall keep and maintain records

of these sales for annual reporting purposes. These annual reports must include the names of all licensed general use pesticide dealers to whom general use pesticides were distributed, the names of the pesticides, the United States Environmental Protection Agency registration number and the quantity sold. These records must be kept for 2 years after the end of the calendar year. For the purposes of this subsection, "distributes" means sells, ships or delivers general use pesticides to a licensed general use pesticide dealer engaged in retail sales. The board may adopt rules to further clarify who is responsible for reporting under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in [Title 5, chapter 375, subchapter II-A](#). [PL 1997, c. 139, §1 (RPR).]

4. Violations; penalty.
[PL 1989, c. 93, §2 (NEW); PL 1989, c. 841, §10 (RP).]

5. Exemptions. The following situations are exempt from the provisions of this section.

A. Any person may distribute the following products without a general use pesticide dealer license:

(1) Household use pesticide products with no more than 3% active ingredients;
(2) The following products, which have limited percentages of active ingredients:

(a) Dichlorovos (DDVP) impregnated strips with concentrations not more than 25% in resin strips and pet collars;

(3) The following products with unlimited percentages of active ingredients:

(a) Pet supplies such as shampoos, tick and flea collars and dusts;

(b) Disinfectants, germicides, bactericides and virucides;

(c) Insect repellents;

(d) Indoor and outdoor animal repellents;

(e) Moth flakes, crystals, cakes and nuggets;

(f) Indoor aquarium supplies;

(g) Swimming pool supplies;

(h) Pediculocides and mange cure on humans;

(i) Aerosol products; and

(j) General use paints, stains, and wood preservatives and sealants. [RR 2021, c. 2, Pt. B, §92 (COR).]

B. The board may promulgate rules to exempt the sale of additional general use pesticide products from the dealer licensing provisions of this section. [PL 1989, c. 93, §2 (NEW).]

License Type: Restricted Use

Wholesalers/Manufacturers/Sub-Contractors/Retailers

Any entity outside or inside of Maine that intends to sell a product within Maine is considered a distributor. Distributors must hold a restricted-use pesticide license to sell restricted-use pesticides and report all sales and purchases made for general, limited, and restricted-use pesticides. These requirements are outlined in BPC's rules, CMR01-026 Chapter 50 Section 2 (B).

“B. Annual Pesticide Sales Reports. Pesticide dealers licensed to sell limited and restricted use pesticides must provide the Board with a calendar year-end report of total sales of all limited, restricted and general use pesticides before their pesticide dealer license can be renewed. The Board will furnish report forms.”

Forms Required

General Use Pesticide Dealer – all entities distributing within Maine

